

“Ripped From the Headlines” highlights news stories of interest including headlines and lead paragraphs, without editorial comment from The Capitol Connection.

“Pregnant Addicts Face Rise In Prosecutions” *Chicago Tribune* (November 26, 2003)

Across the country, prosecutors increasingly are leveling criminal charges against women who abuse drugs or alcohol while pregnant. The charges range from misdemeanor counts of endangering the welfare of a child to criminal homicide. At least two women who were convicted were sentenced to life in prison.

The prosecutions are rousing intense passion on every side of the issue. Abortion rights supporters are furious about the prosecutions, charging that a fetus is not a constitutionally protected person. Substance abuse counselors claim that an unintended side effect of the prosecutions has been to make drug-addicted pregnant women reluctant to seek treatment. Family and child advocates counter that prosecuting these women is the only way to send a message that America values its children.

Law-enforcement officials in Riverside County, Calif., known as the nation's methamphetamine capital, have declared these prosecutions "a top priority."

"Sometimes the cases and the effects of drug abuse on children and infants are so egregious that I believe we are left with no other option but to prosecute," said Riverside County District Attorney Grover Trask.

“Initiative Would Shake Up State Budget Process” *North County Times* (December 13, 2003)

California voters in March will decide an initiative that would shift a huge amount of political power from the minority Republicans in Sacramento to the majority Democrats.

Proposition 56 would dismantle the requirement for lawmakers to pass state budgets and tax measures by two-thirds supermajority votes, a provision that has been part of the state Constitution for seven decades.

The initiative on the March 2 primary ballot would lower the threshold from the current 66.6 percent (two-thirds) to 55 percent.

Because Democrats are dominant in both houses and control more than 55 percent of the 120 seats, the majority party could, on its own, adopt spending plans and tax measures. Democrats no longer would need support from Republicans ---- unless, of course, the GOP were to capture many more seats.

“Governor's Actions Worrisome To GOP” *San Jose Mercury News* (December 17, 2003)

When Republican Arnold Schwarzenegger swept into office two months ago, his fellow party members celebrated that the new governor was one of their own.

Republicans figured the former action star would help resurrect their struggling party, which in 2002 lost all statewide constitutional offices and remained a decided minority in the Democratic-controlled Legislature. Democrats, by contrast, were unsettled by Schwarzenegger's victory, and wondered what his policy agenda would look like.

Now the tables have turned. In a sudden reversal, Schwarzenegger last week abandoned his tough GOP-backed stance for a firm cap on spending and cut a compromise pushed by Democrats for a softer spending limit, with a much smaller reserve. As a result of this bargain, which includes a \$15 billion bond to refinance state debt, some GOP lawmakers and advisers are now questioning the governor's credentials as a fiscal conservative. They are afraid that while Schwarzenegger may keep his promise to shake up Sacramento, it may not be to their advantage.

“They expected a Republican Terminator and . . . he's not the fire-breathing partisan warrior they were hoping for,” said GOP campaign consultant Ray McNally.

Republican lawmakers, many of whom have never served under a GOP governor, are learning a harsh political reality: Sometimes the goals of the governor and the party clash. While political parties aim to elect more lawmakers, the goal of governors is to advance their policy agenda, even if that means cooperating with the opposition to build a legacy.

“Stalled Revenue Drive Shows Some Get-Up-And-Go” *San Diego Union Tribune* (December 20, 2003)

City and county officials are mobilizing to re-ignite a long-stalled initiative, confident that the Legislature's reluctance to quickly replace reduced car tax revenues will convince voters that local services must be constitutionally protected from future state money grabs.

Gov. Arnold Schwarzenegger, whose recall campaign included references to giving voters the chance to override unpopular legislative decisions, also energized local officials Thursday when he said they shouldn't have to beg for money. He left open the possibility of endorsing the initiative.

There is no organized opposition this early, but cities and counties hope the California Teachers Association stays on the sidelines. The union may see the initiative as a threat to school funding because it would put some revenue off-limits. State employee unions also loom as a potential foe.

“Misuse Of Gov.'s Role Alleged” *Los Angeles Times* (December 24, 2003)

California's nonpartisan legislative analyst advised lawmakers this week that Gov. Arnold Schwarzenegger overstepped his authority when he ordered that cities and counties be immediately repaid billions of dollars lost when he cut the vehicle license fee.

The opinion from Legislative Analyst Elizabeth G. Hill, whom lawmakers of both parties look to for impartial advice on the budget, comes with Schwarzenegger in the midst of another unilateral action — this one involving welfare cost-of-living increases. Both moves threaten to set up a confrontation in the Capitol and possibly in the courts over just how much power he has over state finances.

In a letter made public Tuesday, Hill called the governor's order to make \$2.6 billion in payments without approval of the Legislature a "flagrant misuse" of his budget powers and "a serious infringement of legislative powers."

“New Chiefs May Mend Fences In Assembly” *Sacramento Bee* (December 30, 2003)

Their meeting lasted less than a half-hour and no new ground was broken, but when Assemblymen Fabian Nunez and Kevin McCarthy got together in the Capitol on Monday it was the beginning of the changing of the guard.

Shortly after the Legislature convenes in January, Nunez -- a Democrat -- is scheduled to become speaker of the Assembly and McCarthy the Republican leader.

The speaker-elect is an unabashed liberal and former union official from Los Angeles. McCarthy, a Bakersfield businessman, is a former aide to Rep. Bill Thomas, one of the most conservative members of Congress.

Their ideological differences mirror the polarization in the Assembly in recent years. But during a post-meeting news conference, McCarthy and Nunez emphasized their friendship.

Friendship has its limits -- which is likely to be the case when it comes to decisions on how to address the state's budget crisis. Democrats favor tax increases; Republicans cuts in state services.

Before term limits were enacted a decade ago, it took years to climb the leadership ladder in the Legislature. But after one year, Nunez and McCarthy are poised to become the leaders of the Assembly.

Most political experts cite such inexperience as one of the principal shortcomings of the modern Legislature. But McCarthy said there are a couple of advantages.

"We don't have the history of the past from (bitter) budgets," McCarthy said, referring to the annual battles. And because they have used up only a year of their six-year limit in the Assembly, the two men could conceivably serve in their leadership positions for five years. Recent leaders were limited to much shorter terms.

“Law Spurred Flood of Sex Abuse Suits” *Los Angeles Times* (January 1, 2004)

California's yearlong experiment designed to provide justice to victims of childhood sexual abuse drew to a close Wednesday, with hundreds of lawsuits having been filed against churches, charities and youth organizations across the state.

As many as 800 claims — filed over the last year by adults who said they had been molested decades ago as children — name Roman Catholic dioceses in California as defendants. An estimated 500 are aimed at the Archdiocese of Los Angeles, the nation's largest, shifting the focus of the church sex scandal in the United States from its origins in Boston to the West Coast.

Tod Tamberg, spokesman for the Los Angeles Archdiocese, said that, although many of the claims are true, most allegations are so old that proving or disproving them is difficult.

The civil cases took on more public significance this summer after the U.S. Supreme Court overturned a California law that had permitted the retroactive criminal prosecution of decades-old child molestation cases.

“Governor’s Vow: ‘The State of Our State Will Soon Be Strong’” *Los Angeles Times* (January 7, 2004)

Gov. Arnold Schwarzenegger laid out a grand and personal vision for California in his first State of the State speech Tuesday, arguing that his natural optimism, celebrity salesmanship and sweeping reform proposals would fix the financial crisis and “help Californians do great things.”

In the most explicit statement of his intentions in his new job, Schwarzenegger said his administration would offer a blend of bipartisan legislation, populist ballot measures and personal style — all in the service of improving California's economy.

Schwarzenegger called for spending cuts, changes in education regulations, a cap on university fee increases, reform of state purchasing, consolidation of duplicative government departments and commissions, renegotiation of state energy contracts and a solution to the state's unemployment insurance woes.

He said that he was steadfast in his opposition to taxes and that spending cuts were the key to fixing the state's budget crisis.

In the official Democratic response, state Senate President Pro Tem John Burton of San Francisco specifically advocated a tax increase on the wealthiest Californians in order to prevent cuts to social programs.

“Governor Readies Push To Garner Bond Support” *San Francisco Chronicle* (January 8, 2004)

With early polls showing Gov. Arnold Schwarzenegger's \$15 billion bond losing, the administration is readying an aggressive campaign to ensure voter support in March for the centerpiece of the governor's fiscal plan.

Part of the strategy will include telling voters that if the bond measure is defeated, higher taxes or severe cuts are the only alternative. That could include deep cuts to education and other programs previously left unscathed by the state's budget woes.

“No Plans For Early Parole, Panel Told” *Sacramento Bee* (January 8, 2004)

In his first appearance before the Legislature, Gov. Arnold Schwarzenegger's new corrections secretary said Wednesday the new administration is working on a number of policy and budget-related changes, but releasing nonviolent prisoners early isn't one of them.

“There is no intent to eliminate parole per se for that group of the population. There is no intent to do release of non-serious non-violents,” Roderick Q. Hickman, a former prison correctional officer and warden who now runs the Youth and Adult Corrections Agency, told the Senate Select Committee on the California Correctional System.

State Sen. Gloria Romero, a Los Angeles Democrat who is chairwoman of the corrections committee, said after the hearing that she plans to spend much of the next year working with the new administration and legislators on a variety of prison reforms. Early release of some inmates, she said, will be part of the discussion.

“L.A.’s Nuñez Is Formally Chosen Assembly Speaker” *Los Angeles Times* (January 9, 2004)

With a resounding "aye," the California Assembly on Thursday formally elected Fabian Nuñez, a 37-year-old freshman Democrat from Los Angeles, as its next leader.

The voice vote was procedural, as Nuñez had informally locked up enough support in November to replace Speaker Herb Wesson (D-Culver City). Nuñez will be sworn in and take charge of the 80-member body Feb. 9.

He is the fourth consecutive lawmaker from Los Angeles to lead the Assembly, a job that entails close negotiations with the governor and other legislative leaders to craft the state's financial and legal policy. As speaker, Nuñez also will assign fellow lawmakers to head committees and raise money to help them win elections.

Democrats, who dominate the Assembly and therefore have the prerogative to choose the speaker, say they are not unhappy with Wesson, though some have criticized him as being too indulgent to bring order to the often raucous house. His term in the Assembly does not expire until December. But Democratic lawmakers say they want a new leader, rather than a lame duck, to deal with the 2-month-old administration of Republican Gov. Arnold Schwarzenegger and plot Democratic victories in the March primaries.

Democrats praised Nuñez as a passionate, patient and hard-working man dedicated to bringing Californians good jobs, health care, safe neighborhoods and affordable college educations.

Some Republicans point out that he comes from a combative union background, and say they fear he will be more aggressive and overtly political than Wesson.

“Legal Team In Place, But Not Judge Picker” *The Recorder* (January 9, 2004)

Gov. Arnold Schwarzenegger has rounded out his legal affairs team but still hasn't said who will help him pick judges. That position remains open.

There wouldn't be a lot of work for a judicial appointments secretary right now anyway. Before Davis was ousted in the recall, he filled up the entire appellate bench and all but a handful of trial vacancies.

Since Schwarzenegger took over, though, Daniel Kolkey of the Third District Court of Appeal in Sacramento and Charles Vogel, presiding justice of Division Four of the Second District, announced they are retiring. A total of 13 judges have entered the state retirement system since Schwarzenegger's inauguration.

Chief Justice George said he's not concerned that Schwarzenegger doesn't have anyone vetting judicial candidates yet. Governors usually don't appoint judges during their first six months in office, George said.

“Budget Prompts Sense Of Déjà Vu” *Sacramento Bee* (January 11, 2004)

Carried into office by voter disgust with fiscal flim-flam, Gov. Arnold Schwarzenegger vowed to look the state's budget deficit squarely in the eye and take the steps needed to tame it within his first 100 days.

He offered a budget proposal Friday that he said delivered on that promise.

Some agree that it is a refreshingly honest document. The \$99 billion proposal for the 2004-05 fiscal year includes a raft of real cuts, evidenced by the howls of indignation from groups who would feel the effects.

But to others, it looks as if Schwarzenegger flinched.

The proposal contains measures that look very much like the accounting tricks that have characterized recent California budgets and, in fact, are a hallmark of spending plans in general during stressed economic times.

The budget relies on steps already called into question by court decisions -- a cut to the rate the state pays to doctors and others who provide service to Medi-Cal recipients and a bond to cover the state's pension obligations.

It counts on public employee unions agreeing to certain changes, such as a bigger worker contribution to pensions. And it banks on economic assumptions that some see as rosy.

“Taking The Initiative On '04 Ballots” *Los Angeles Times* (January 11, 2004)

Well-heeled interest groups are preparing to appeal directly to voters on such high-stakes issues as gambling, the right to sue and tax policy, making 2004 potentially one of the busiest initiative years in California history.

Outside supermarkets and malls, signature gatherers already are collecting names for initiatives to increase funding for children's hospitals, hospital emergency rooms and mental health care. Soon they probably will be asking people to sign petitions for as many as a dozen others.

"I've been out to lunch — do we have three or four more?" asked attorney Vigo "Chip" Nielsen, whose firm, Nielsen, Merksamer, has written three of this year's initiatives and is representing opponents of several others.

Gov. Arnold Schwarzenegger, who got his start in politics by promoting an initiative in 2002 to expand after-school care, is playing a big role. The new governor persuaded legislators to place two propositions on the March ballot in hopes that they will help ease the state's budget crisis.

Schwarzenegger is mulling whether to get involved in one or more measures for the November election. In his State of the State speech Tuesday, the governor vowed to push for an initiative overhauling the complex workers' compensation insurance system unless legislators move quickly to approve changes he wants.

“Curbs Sought In Program That Has Given Small Counties Big Bucks In High-Profile Murder Trials”

Sacramento Bee (January 12, 2004)

Lawmakers want to tighten guidelines for reimbursing counties for high-profile murder cases after a proposed subsidy for the Scott Peterson case triggered questions about exploding costs.

By 2005, the state will have spent almost \$100 million from a fund giving prosecutors from smaller and medium-size counties virtually unlimited resources to put away some of the state's most infamous serial killers and murderers.

With the state's financial crunch, lawmakers are taking a tougher look at the rarely scrutinized program.

The program was established in 1961 and grew rapidly in the '90s, when lawmakers began carving out pieces of the budget to pay for certain murder cases, maneuvering around cost-control rules.

But the pipeline might be drying up as Modesto-area legislators work on a guaranteed subsidy for the Modesto Police Department and the Stanislaus County District Attorney's Office to cover costs of the Peterson case.

"There are too many questions with the way the existing system works," said Assembly Appropriations Committee Chairman Darryl Steinberg. The Sacramento Democrat stopped an effort last year to subsidize the Peterson case and has called for a review of the program.

"We need to look at it and develop criteria that allow us to make an objective decision," he said.

“Budget Applause Unlikely Anytime Soon” *Contra Costa Times* (January 13, 2004)

If Gov. Arnold Schwarzenegger wants "action, action, action," he might have to wait.

The Republican actor, who has dazzled the state Capitol with his mix of charisma, optimism and good humor, must now shepherd his budget proposal through a reluctant Democratic-controlled Legislature.

Leading lawmakers said they expect the partisan split to remain until serious budget negotiations get under way, and that could be four months from now.

"There's a long ways to go between now and the time the budget gets done," said Assemblyman Dave Cox, R-Sacramento, the former GOP leader of the lower house. "Every dollar of a budget has a constituent, and there will be those (legislative) members who will try to rile the waters."

"Budgets are a starting point," Senate President Pro Tem John Burton said. "(The governor says) this is what I think, and now we'll tell the governor what we think."

First, however, legislators want to know the fate of the March 2 vote on a \$15 billion bond measure and whether the governor's rosy revenue forecast will still be merited after the state tallies April tax receipts.

“High Court Allows Pursuit of 1994 Northridge Earthquake Claims” *The Daily Journal* (January 13, 2004)

The Supreme Court on Monday let stand a federal appeals court decision that allows thousands of Southern California homeowners to pursue insurance claims stemming from the 1994 Northridge Earthquake that had been barred by the statute of limitations.

Without comment, the justices denied review of a decision by the San Francisco-based 9th U.S. Circuit Court of Appeals that California Code of Civil Procedure Section 340.9, which allows claims after the normal one-year deadline, does not violate the Contract Clause of either the state or U.S. constitutions. *Allstate Insurance Co. v. Noah*, 03-341.

“Analyst Says Budget Plan Doesn't Go Far Enough” *Los Angeles Times* (January 14, 2004)

Gov. Arnold Schwarzenegger's proposed \$99-billion state budget is a solid first step toward a balanced fiscal plan but the state would still be \$6 billion short by mid-2005, California's nonpartisan legislative analyst reported Tuesday.

Legislative Analyst Elizabeth G. Hill said the governor's spending plan would result in "real and lasting savings." But it also "would have far-reaching consequences for the scope of state services" without coming to terms with lawmakers' penchant for spending more than the state receives in revenue. She urged lawmakers to consider either raising taxes or removing tax exemptions to increase revenue.

In her report, Hill wrote that the negative impact a limited tax hike might have on the economy "should be weighed against the negative consequences of the alternatives, including deeper cuts in public spending in infrastructure, education and other areas, or more borrowing."

“Bill to Update State's Unfair Competition Law Fails” *The Daily Journal* (January 14, 2004)

Another attempt to reform the state's unfair competition laws failed Tuesday in the Legislature and a consumer group said millions of dollars supporting a reform initiative shows big corporations, not mom-and-pop businesses, are behind it.

AB102, by Assembly Member Robert Pacheco, was similar to an initiative being circulated for signature gathering to qualify for the November ballot. The bill would have required a plaintiff to have suffered a "distinct and palpable injury" before suing under Section 17200 of the Business and Professions Code. Currently, a plaintiff need not suffer any injury in order to sue under Section 17200.

Proponents said the bill would have helped prevent lawyers from abusing the law by filing multiple suits against small business owners and extorting thousands of dollars from them in settlements to avoid litigation.

Opponents, some of whom are consumer groups, complained the measure would have gutted the law and prevented them from using it to protect consumers who could be harmed by defective products.

Anticipating further defeats in the Legislature, reformers formed Californians Against Shakedown Lawsuits to ask voters to change the unfair competition laws.

Trial lawyers have responded by backing several proposed privacy initiatives that would expand the definition of unfair competition to include any act that violates the right to privacy. They would extend the statute of limitations for unfair competition laws to 10 years from four and include a disgorgement feature requiring those found violating the laws to surrender financial gains.